

### REMARKS/ARGUMENTS

Claims 2, 26 and 28 are pending. Claims 1, 3-25, 27, 29 and 30 have been cancelled, without prejudice.

#### **35 USC § 103(a)**

*The Examiner has rejected claims 1, 2, 25, 26, and 28 as being obvious in light of Muss et al., J Clin Oncol., 1987, 5:286-291 in view of Raymond et al., Proceedings of ASCO, 2000: 19: 187a.*

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 2, 25, 26, and 28 under 35 USC § 103(a).

Even if it could be considered obvious to select interferon alpha (IFN- $\alpha$ ) and CCI-779 for combination, there can be no expectation that the combination would produce a synergistic effect. Applicants have demonstrated unexpected results because a **synergistic** effect was observed by administering CCI-779 and IFN- $\alpha$  for the treatment of renal cancer (see, for example, the specification at page 13, lines 19-22). As amended, the claims now explicitly recite this feature.

For the reasons set forth above, Applicants request reconsideration and withdrawal of the rejection of claims 1, 2, 25, 26, and 28 under 35 USC § 103(a).

*Claims 27, 29, and 30 are rejected under 35 USC 103(a) as being unpatentable over Laurent et al. in view of Beuvink et al.*

The cancellation of these claims renders this rejection moot.

In view of the above the remarks/arguments, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and permit the above pending claims to pass to issue in due course. Applicants also request that the Examiner consider the withdrawn claims and also allow these claims to pass to issue in due course.

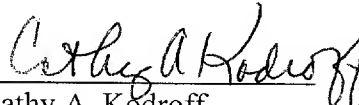
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The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to Deposit Account Number 08-3040.

Respectfully submitted,

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